

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12735, of Thankful Baptist Church, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3104) to permit a printing shop (first floor and basement) in the R-4 District at the premises 1403 Independence Avenue, S.E. (Square 1059-S, Lot 10).

HEARING DATE: October 25, 1978

DECISION DATE: November 1, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the south side of Independence Avenue, facing Massachusetts Avenue between 14th Street and South Carolina Avenue, S.E.

2. The subject property is presently improved with a one story plus basement structure. The structure has the appearance of a commercial building, with large plate glass windows in the front.

3. The subject lot is approximately 2000 square feet in area, is rectangular in shape, and topographically flat.

4. The property is presently vacant. The last use was as a radio and t.v. repair shop, pursuant to certificate of occupancy No. 10116. The applicant proposes to use the premises as a printing shop.

5. A radio and television sales and repair shop is first permitted as a matter-of-right in a C-1 zone district. A printing lithographing or photoengraving establishment of up to 2500 square feet of gross floor area is first permitted as a matter-of-right in a C-2-A zone district. The application could thus not be approved as a change of non-conforming use.

6. Adjacent to the subject property on the west is the Thankful Baptist Church, while small apartment buildings adjoin it on the east. This square, bounded by Massachusetts Avenue, 14th Street, Independence Avenue and South Carolina Avenue, has a mixture of small apartment buildings and row dwellings.

7. The applicant testified that the subject property has been vacant since 1969, and has been the subject of several acts of vandalism, including a fire. Prior to this time, no suitable tenant had been found.

8. The applicant testified that the lessee of the premises "Our Printers" had served this neighborhood for over twenty years at its previous location of 701 D Street, S.E. There is evidence of record that the print shop had no adverse effect at its previous location, and no record of complaint as to its operation.

9. The testimony given on behalf of "Our Printers" revealed that this was not a print shop of heavy industrial type, but rather one with small presses and other equipment.

10. The applicant testified that meetings or other church activities could be held next door at the same time as "Our Printers" was in operation with no disturbance because of noise.

11. The Municipal Planning Office by report, dated September 15, 1978, recommended denial of the application unless the applicant could show that there would be no objectionable impacts under current printing technology. The Board finds that the applicant has made a sufficient showing to demonstrate that there would be no adverse effects if the application were granted.

12. Advisory Neighborhood Commission 6B, by resolution dated September 15, 1978, recommended approval of the application on the grounds that the building itself is unsuitable for residential use. The Board so finds.

13. The Capitol Hill Restoration Society by letter dated September 18, 1978, recommended denial of the application on the grounds that the proposed shop appeared to be an industrial type print shop, serving no neighborhood needs. The Board finds that the applicant has made showing that the proposed print shop, less than 2500 square feet in area, is small in character and equipment, and serves the same churches and other facilities and residents in the neighborhood as at its 701 D Street, S.E. location.

14. There were several letters and petitions in support of the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the above findings of fact and the evidence of record, the Board is of the opinion that the requested variance is a use variance, the granting of which requires the showing of a hardship relating to the property itself. The Board concludes that the applicant has made the required showing, in that the property has been vacant since 1969 and is unsuitable for residential use. The Board concludes that no reasonable use of the property can be made for a residential purpose permitted in the R-4 District.

The Board concludes that the proposed use would serve the printing needs of the community's churches, organizations and small businesses. The Board further concludes that the relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

It is therefore, ORDERED that this application is hereby GRANTED.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris, Ruby B. McZier and William F. McIntosh to GRANT; Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____

Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

1/5/49

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.